

**REMARKS**

Claims 1-29 are all of the claims currently pending. Claims 1-20 are rejected on prior art grounds. New claims 21-29 are added. An excess claims fee letter is filed concurrent hereto.

It is noted that Applicant specifically states that no amendment herein to any claim should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Claims 1-16 stand rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter because of the word “program” in the claims. Although Applicant submits that the word “program” is not used in the claims to claim a listing of computer instructions, as would be required to be software *per se*, the claims have been amended in an attempt to expedite prosecution.

Claims 1-14, 17, and 20 stand rejected under 35 U.S.C. § 102(b) as anticipated by Parker (in the book, The Complete Idiot’s Guide to Microsoft Front Page 2000, 1999). Claims 15, 16, and 18 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Parker, further in view of US Patent 5,926,210 to Hackett et al. Claim 19 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Parker, further in view of US Patent 6,812,962 to Fredlund et al.

These rejections are respectfully traversed in the following discussion.

**I. THE CLAIMED INVENTION**

As described by, for example, claim 1, the present invention is directed to a homepage creation and update tool, which causes a plurality of image files to be displayed, and allows a user to select a desired image and to indicate one of a homepage creation and a homepage update using the selected desired image. The homepage creation and update tool causes a computer to display a plurality of stored images and allowing the user to select one or more desired images. The user is allowed to indicate a beginning of a homepage creation process, including, if a new homepage is being created, allowing the user to select a layout format.

The computer automatically performs the one of the creation and the update of a homepage using the desired image after the one or more desired images are selected and the beginning of the homepage creation process is indicated by the user.

When the user selects a plurality of desired images and indicates beginning of the homepage creation process, the selected images are sequentially presented individually in a predetermined order to the user to allow the user to add comments before a homepage format of the image is generated that will automatically place the image into the selected layout format, if a new homepage is being created, or into an existing homepage layout, if an existing homepage is being updated

In contrast to existing homepage creation methods, the present invention allows someone who is not familiar with HTML or creation process to intuitively generate homepages with a minimum number of steps and commands.

In particular, Parker fails to teach or suggest this automatic arrangement of images, including the automatic sequential presentation of images for comments, plus one more command to then automatically generate the homepage format for each image.

## **II. THE PRIOR ART REJECTIONS**

The Examiner alleges that "The Complete Idiot's Guide to Microsoft FrontPage 2000" anticipates the present invention as defined by claims 1-14, 17, and 20, and, when modified by Hackett, renders obvious claims 15, 16, and 18, and, when modified by Fredlund, renders obvious claim 19.

Applicant submits that the method of Parker fails to have the ease of operation of the present invention. That is, as defined by the independent claims, the present invention allows a user to merely select images, and the tool will sequentially present these selected images so that the user can make comments for each image. By only one additional command, the tool will then automatically generate the HTML code to place the images into the format of a new homepage or into the format of an existing homepage. The system described in Parker requires many more commands by the user to generate the homepage from images.

The Examiner relies upon secondary references Hackett and Fredlund for reasons unrelated to this aspect of the present invention. Therefore, neither of these secondary

references overcome the basic deficiency in Parker.

Hence, turning to the clear language of the claims, in Parker there is no teaching or suggestion of: "... when the user selects a plurality of desired images and indicates beginning of the homepage creation process, the selected images are sequentially presented individually in a predetermined order to said user to allow said user to add comments before a homepage format of said image is generated that will automatically place said image into said selected layout format, if a new homepage is being created, or into an existing homepage layout, if an existing homepage is being updated.

### III. FORMAL MATTERS AND CONCLUSION

In view of the foregoing, Applicant submits that claims 1-29, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,



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